

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.25041 of 2009

ORDER

This writ petition is filed seeking a writ of mandamus declaring the order dated 23.09.2008 passed in DSP/AO/HYD/NO/218 by the first respondent as illegal, arbitrary and to set aside the same with consequential direction to the respondents to reinstate the petitioner into service.

2. Heard Smt K. Udaya Sri, learned counsel for petitioner and Sri E. Madan Mohan Rao, learned Standing Counsel for respondents.

3. Learned counsel for petitioner contended that the petitioner was initially appointed as Messenger and subsequently promoted as Record Keeper. He further contended that while the petitioner was discharging his duties as Record Keeper, the respondents have initiated disciplinary action against him and removed him from service vide proceedings dated 19.04.2006 and challenging the same, the petitioner preferred an appeal and the same was also rejected vide order dated 23.09.2008. He further contended that the respondents have imposed the punishment of removal with some retiral benefits, such as pension, gratuity and provident fund. He further contended that the entire retiral benefits were not paid to the petitioner including the salary for his suspension period. The counsel also contended that as the removal order itself stated that the petitioner is entitled for retiral benefits and the same were not paid,

he submitted a representation on 14.08.2008, but the same was not considered by the respondents.

4. Learned Standing Counsel for the respondents submitted that the benefits, which were entitled by the petitioner, were already paid to him and the question of entertaining this writ petition at this point of time would not arise. He further submitted that the orders of the disciplinary authority were also confirmed in the appeal and there are no merits in the writ petition and the same is liable to be dismissed.

5. This Court, having considered the rival submissions of both parties, is of the view that the writ petition can be disposed of, directing the petitioner to submit a representation claiming certain benefits, which were not disbursed to him, and on filing such representation, the respondents shall consider the same and pass appropriate orders in accordance with law, within four weeks thereafter.

6. With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

24th October, 2018

sj